

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.43159 of 2016

and

W.M.P.Nos.36990 & 36991 of 2016

1.S.Saravanan

2.Paul Thangam

3.E.Pushparaj

.. Petitioners

-vs-

1.Greater Chennai Corporation,
rep. by its Commissioner,
Ripon Buildings,
Chennai-600 003.

2.The Assistant Commissioner,
Zone 10, Greater Chennai Corporation,
No.117, N.S.K. Salai,
Kodambakkam,
Chennai-600 024.

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the Notice dated 26.11.2016 of the second respondent, in respect of alleged encroachment by the petitioner onn the Corporation Road in front of premises in Door No.4, Rangarajapuram, 2nd Street, Kodambakkam, Chennai-24, Division 134, Unit 31, Zone 10, to quash the same and issue consequential directions to desist from removing the alleged encroachment except in accordance with law.

WEB COPY

For Petitioners

: Mr.R.Singaravelan
Senior Counsel
for M/s.J.Muthukumaran

For Respondents

: Mr.K.Soundararajan

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties and taking into consideration the process of enquiry as envisaged in the judgment of the Division Bench of this Court in T.S.Senthil Kumar v. The Government of Tamil Nadu and others, (2010) 3 MLJ 771, the impugned notice dated 26.11.2016 should be treated as a show cause notice and the petitioners be given an opportunity to file a reply within two weeks from today, whereafter, on consideration of the reply and on verification of the site position, appropriate orders can be passed within a maximum period of one month thereafter. Naturally, till the enquiry is not completed, no coercive process will be taken, and in case the verdict is against the petitioners, for a period of two weeks after communication of the order to the petitioners.

2. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.36990 & 36991 of 2016 are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

2. The Assistant Commissioner, Zone 10,
Greater Chennai, Corporation, Chennai 600 024.

+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.72729
+1cc to Mr.K. Soundararajan, Advocate, S.R.No.72940

CA(CO)
EU 23.12.16

W.P.No.43159 of 2016